

Michael David Sills, et al. v. Southern Baptist Convention
3:23-cv-00478

Exhibit 1

April 16, 2025

SENT VIA ELECTRONIC MAIL:

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**Re: Michael David Sills, *et al.* v. Southern Baptist Convention, *et al.*
Case No. 3:23-cv-00478 (M.D. Tenn.)**

Dear Counsel:

It has come to our attention that your local counsel in this matter, Mr. Gary Brewer, unfortunately passed away on March 31, 2025.¹ We are sensitive to the fact that this creates an unforeseen hurdle at a very critical time in this litigation, in addition to being a tragedy in and of itself; so, it is not our intention to pettifog on your compliance with the local counsel requirements so soon after Mr. Brewer's passing.

What concerns us, however, is your apparent lack of candor concerning his death. Since March 31, 2025, you have filed briefs with the Court and noticed three additional depositions. Each document purports to be "Respectfully submitted" by, *inter alia*, Mr. Brewer. And during the deposition of Jennnifer Lyell on April 9 and 10, an individual using the name Gary Brewer attended remotely via Zoom. Most troubling is that on the second day of the deposition, when the remote participants were asked to introduce themselves, someone stated, "Gary Brewer, on behalf of the Plaintiff."²

We also note that Mr. Brewer's obituary indicates that he had been in hospice care prior to his death. This raises a question about whether Mr. Brewer was practicing law in any capacity in

¹ We have attached Mr. Brewer's obituary as Exhibit 1 to this letter.

² Lyell Dep., Apr. 10, 2025, 4:9-10 (rough transcript), attached hereto as Exhibit 2; Video of Lyell Dep., Apr. 10, 2025, Timestamp 09:07:00-09:07:15.

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the months preceding his passing. As you know, the Court's local rules require that litigants retain local counsel.³ Filings made without local counsel may be stricken and open the filer up to other sanctions.⁴ If Mr. Brewer had ceased active practice due to poor health, or lacked capacity to practice law, that raises questions about the validity of your filings over the course of the last several months.

Under the circumstances, I can't imagine that anyone would oppose providing you with reasonable time to replace local counsel. But misrepresenting counsel on pleadings and who is present in deposition is troubling to say the least, especially given the protective order in this case. Please promptly respond to this letter accurately identifying everyone who appeared by Zoom at Ms. Lyell's deposition, including the person who identified himself as Gary Brewer. Thank you.

Sincerely,



Philip N. Elbert

cc: All Defense Counsel (via email)

³ M.D. Tenn. Local R. 83.01(d)(1).

⁴ *Id.* 83.01(d)(4).

EXHIBIT 1

Provided by Allen Funeral Home

Gary E. Brewer

July 20, 1945 ~ March 31, 2025 (age 79)



Gary E. Brewer, 79, passed away peacefully on Monday, March 31, 2025, at the Friends of Hospice Serenity House. He loved to watch UT sports and work in his container gardens and flower beds. Gary was a voracious reader and a keen student of history.

Gary earned his bachelor's degree in English and History from East Tennessee State University in 1966 and his JD degree from the University of Tennessee Law School in 1969. He was admitted to practice law by the Tennessee Supreme Court in 1970, the United States Court of Appeals, 6th Circuit in 1972, and the United States District Court in 1981. Gary was a member of the Hamblen County and Tennessee Bar Associations and the Tennessee Trial Lawyers Association, where he served as President from 1988-1989. He was also a member of the Association of Trial Lawyers of America. Gary was a member of the Tennessee Appellate Court Nomination Committee from 1988 to 1992; a member of the Tennessee Judicial Selection Commission from 1994 to 2006, serving as chairman for two of those years. He was chairman of Lawyers Involved for Tennessee for ten years and vice chairman of the Tennessee Lawyers Fund for Client Protection. Gary was senior partner at the law firm, Brewer & Terry, PC in Morristown, TN.

He is preceded in death by his parents, Blanche and Wayne Brewer; sister, Phyllis Terry; brother-in-law, Fred Terry; and son, Justin Brewer.

Gary is survived by his wife of 50 years, Laura Brewer; daughter, Alexandra (Sarah Potter) Brewer; nephew, Steve (Suzanne) Terry; niece, Susan Terry; sister-in-law, Leslie Tieke; nephews, Jason (Tomarra) Shedden and Austin (Christen) Shedden; great niece and nephew, Sydney Terry and Tanner Terry; as well as several special friends and extended family members.

The family would like to extend a special thanks to U.T. Hospice, Friends of Hospice Serenity House, Leslie Tieke, Bill and Cheryl Seale, Mike Kirk, Lisa Hyleman, and Teri Knauf.

In lieu of flowers, memorial donations may be made to the Friends of Hospice Serenity House: 421 N. High St., Morristown, TN 37814.

The family will receive friends from 1 – 3 PM, Saturday, April 19, 2025, in the East Chapel of Allen Funeral Home. A Celebration of Life service will follow at 3 PM.

Allen Funeral Home is assisting the family with arrangements.

EXHIBIT 2

1 MR. OTCHY: Alex Otchy, Mintz and Gold,
2 Defendant, Guidepost

3 MR. ANDERSON: John Anderson for the EC
4 and Rolland Slade.

5 MR. RIDDLE: Kris Riddle, on behalf of
6 the Plaintiff.

7 MS. ALDRIDGE: Sterling Aldrich, Barrett
8 Law Group on behalf of the plaintiff.

9 MR. BREWER: Gary Brewer, on behalf of
10 the Plaintiff.

11 MR. WHITE: Ben White for the Plaintiff.

12 MS. MCNULTY: The others are -- Mary
13 Sills is our client.

14 MR. ELBERT: I would like Mary Sills to
15 speak. Introduce yourself verbally.

16 MS. MCNULTY: Well, no, she's
17 represented.

18 MS. SILLS: Mary Sills, Plaintiff.

19 MS. MCNULTY: Anyone else? Rocio, Allen,
20 and T., those are all paralegals. Would you like
21 them to speak too?

22 MR. ELBERT: That's okay. Thank you.

23 EXAMINATION

24 BY MS. MCNULTY:

25 Q. Morning Ms. Lyell. We ended at about